## COMMITTEE ON PUBLIC WORKS AND PURCHASING

(Standing Committee of Berkeley County Council)

Chairman: Mr. Caldwell Pinckney, Jr., Council District No. 7

A special meeting of the Committee on Public Works and Purchasing, Standing Committee of Berkeley County Council, was held on Monday, August 27, 2012, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:14 p.m.

PRESENT: Chairman Caldwell Pinckney, Jr., Council District No. 7; Committee Member Phillip Farley, Council District No. 1; Committee Member Dennis L. Fish, Council District No. 5; and Committee Member Jack H. Schurlknight, Council District No. 6; ex-officios: Mr. Daniel W. Davis, County Supervisor, Mr. Timothy J. Callanan, Council District No. 2, Mrs. Cathy S. Davis, Council District No. 4, and Mr. Steve C. Davis, Council District No. 8; Ms. Nicole Scott Ewing, County Attorney; and Ms. Catherine Windham, Interim Clerk to Council.

Chairman Pinckney: "I would like to call the special Committee on Public Works and Purchasing Meeting to order. Madame Clerk, has the meeting been properly noticed via the Freedom of Information Act?"

Ms. Windham: "Yes, Sir, it has."

Chairman Pinckney: "Thank you, ma'am."

# Mayor William W. Peagler, III, re: Town of Moncks Corner Request for Variance to County Roadway and Drainage Standards for Moncks Corner Recreation Complex

Mayor Peagler: "Thank you, Chairman Caldwell Pinckney. I appreciate you hearing us today, and I'd like to thank everybody for being here this evening. First, I'd like to thank the County Supervisor, Director of Roads and Bridges, and the Director of Berkeley County Water and Sanitation for over a year in the way they have assisted us at the Town. They've helped us consolidate concrete at the park and preparing for recycling into a road base, removing an asphalt road for use, you know, from the County Landfill and cleaning ditches at the park site, Spring weeds, and this last week, you've been taking wood waste from us to the Landfill as your dump trucks travel up and down 52. Now, I'd like to thank Frank Carson for his assistance with the County transportation grant that will be used to build this road through the park. Clint Busby and his staff have provided time and comments, as they've commented on the plan for the park. It's been a joint effort between us. And today, we're requesting three technical variances from the County design standards. Chris Smith from URS will be making the technical justifications for these requests, and I'd appreciate your consideration, so we can finalize plans for the park. And, I point out to you that this park will be a regional park. It's not just one for, you know, for the Town of Moncks Corner. The design of this property and this park is to bring in people from all over the state to participate in tournaments here in Moncks Corner, which will benefit not only the Town, but also the County too through their Accommodations Tax and more people

coming into the County spending their money. We also have the benefit here of the children, you know, who once they are in a structured environment for recreation, they're less susceptible to other influences. And, this is a community-oriented situation, and we want to better the community within. It's been, basically, brought to my attention that there's, there's issue of liability in all this, and, and, I'm gonna let Chris, you know, talk about the ways that we can modify or, basically, where we will be complying with the standards and how we will address any deviations. The biggest deviation that I see that was brought to my attention was one of flooding in that particular area. If there's ever an issue of flooding, the Town will be responsible for rebuilding that section of road. And, you know, so, I want to tell you, we're not asking for, you know, a situation where we're asking you to assume total liability of the entire road, because we do not have the facilities or the capability to maintain roads. So, if you would please hear Mr. Chris Smith at this time, and we'll be glad to answer any questions after that. Thank you so much for your attention."

Mr. Smith: "Mr. Chairman, Members of County Council, I'm Chris Smith. I'm a Civil Engineer with URS Corporation. We've been retained by the Town of Moncks Corner to design this recreation park and the road that would be associated with the park. Mayor Peagler submitted a letter that explains the three areas where we had slight deviations from the County standard. We've been talking extensively with the County Engineering Department and Clint Busby, in particular, and worked through most of the comments and concerns that he's had. But, we got down to three small areas where we, we have to request a variance from the County standard. The first area that I'll address is related to the sanitary sewer, and I think all of you have one of these sketches that was submitted with your packets. And, it's kind of an unfortunate coincidence of events. There's an existing sanitary sewer that runs along the edge of the property, and it's located along the south edge of the property where the proposed road is going. It kind of runs parallel to Main Street. And, in that area, like I said, there's an existing sewer that cuts through there, and we wanted to put the road along there to minimize the influence of the road and the entire site. We wanted to be able to maximize the park, so it was best to put the road along the edge of the property. So, as a result of that, the sanitary sewer in two areas falls within the roadway. There are two manholes that are within the pavement area and about 400 feet of sanitary sewer kind of runs in the pavement. So, that's the first variance. We looked at two options to get around this. One is moving the road, and as I mentioned before, that would, that would actually reduce the amount of recreation park that we would have. The other option would be to relocate the sanitary sewer, and that would result in an extensive cost that the project does not have the finances to fund. So, we've seen sewer lines and manholes in roadways in other occasions, so it's a common occurrence, and I'm prepared to seal the plans that show this as a, as a design element. I'm comfortable with the design, and we're willing to move forward with that. The other area that we're requesting a variance is related to the center line alignment of the road. And, we designed the roadway with a 150-foot centerline radius, and the County uses the State DOT standard, which is a 205-foot radius. And again, if we were to align the road in such a manner to meet the state criteria, it would extend further into the site and reduce the amount of recreation park area that we have. There may be concerns about traffic going through here, and actually, this will act as a traffic calming device. It will enable cars to go slower. We can also install centerline reflective delineators if there's a concern about liability, and that would allow people to, you know, go through those areas and go around those curves adequately. So, we feel that it's a minor deviation from the standards that is an

acceptable practice that we would request the County to approve. Related to that design issue, the normal design speed is 25 miles an hour, and we're proposing a design speed and a posted speed of 20 miles an hour. So again, it acts as a traffic calming mechanism. We don't really want to encourage people to cut through this area. They could easily do that to avoid the signal at Main Street and 52, so that's the second one. And then, the last area that we're requesting a variance is related to flooding. And, there are two areas at the – where the road ties into Main Street and then where the road ties into Highway 52. We had to design the road so that it dropped in elevation away from the existing roads. That's a main requirement that we were, that we had to design to, and when you do that, the road drops in elevation. Those areas will pond up a maximum of six inches and a maximum duration of about one hour during the ten-year storm. So, it's a minor area that we deviate from the County requirement, but we do not feel that it's gonna be a significant issue or a significant liability to the County. I didn't want to get into a lot of details, but I wanted to give you enough substance to understand the three areas that we have requested a variance, so I'm not quite sure what the procedure is here, if I need to entertain questions or what all your pleasure is, but I'm here to address any comments or concerns."

Chairman Pinckney: "What's the pleasure of the Committee?"

Mr. Steve Davis: "Mr. Chairman, can I ask a question?"

Chairman Pinckney: "Let's go ahead and then we'll open it up for discussion."

Mr. Steve Davis: "Ok; then – I'm not on the Committee..."

Committee Member Schurlknight: "You need a motion?"

Chairman Pinckney: "Yeah, I need a motion."

Ms. Ewing: "Mr. Pinckney, just because there are three variances, I would suggest that each variance be addressed separately. There may be occasion where Council or the Committee wishes to approve one but not the other two, so I would handle each one of them separately just so that we have clarification on that matter."

Chairman Pinckney: "Ok."

Committee Member Schurlknight: "Mr. Chairman?"

Chairman Pinckney: "Yes, Sir."

Committee Member Schurlknight: "Is there any way we can get Frank up here and kind of..."

Chairman Pinckney: "Yeah, well that was what I was hoping to do here, but I thought it might be best for control purposes to go ahead and get a motion, and then we can open up for questions and discussion."

Committee Member Schurlknight: "Ok; I'll motion to approve."

Chairman Pinckney: "Ok; do I have a second?"

Committee Member Call: "Second."

Supervisor Daniel Davis: "Do you want to state which variance, because as Nicole said, we want to take each one..."

[Inaudible – more than one individual speaking.]

It was moved by Committee Member Schurlknight and seconded by Committee Member Call to **approve** the Town of Moncks Corner request for a variance to County roadway and drainage standards with regard to the sanitary sewer in the construction of the Town's new recreation complex.

Chairman Pinckney: "Ok; variance number one has to do with sanitary sewer; question?"

Committee Member Farley: "On the sewer?"

Chairman Pinckney: "Yeah, on, on, on the sanitation sewer."

Committee Member Farley: "Is it flooding at any time?"

[Inaudible – more than one individual speaking.]

Chairman Pinckney: "That will come – I got a second, didn't I?"

Committee Member Schurlknight: "Yeah..."

Committee Member Farley: "He did – Bob did."

Committee Member Schurlknight: "Bob gave you a second."

Chairman Pinckney: "So, this is the first item up for discussion. It has to do with the sanitation sewer."

Committee Member Farley: "Right; Mr. Chairman?"

Chairman Pinckney: "Yes, Sir; Mr. Farley."

Committee Member Farley: "On the sewer, is there, is there any places that the flooding would impact it?"

Mr. Frank Carson, County Engineer: "We, we weren't looking at – the, the issue with manholes in the pavement..."

Committee Member Farley: "Right."

Mr. Carson: "...is a maintenance of the pavement and, and traffic and being able to work around, and it's not uncommon, as Mr. Smith said, to have manholes in pavement, but in new construction, new streets, it's our practice not to allow them."

Committee Member Farley: "To build up – to build it up more around these?"

Mr. Carson: "Well, to make sure the rings and covers don't get knocked loose and become a hazard or some other, or cause problems in resurfacing and that sort of thing."

Committee Member Farley: "Ok."

Mr. Carson: "It's a fairly simple thing to address, so, with design details."

Committee Member Farley: "Thank you."

Mr. Carson: "The flooding is a separate issue, and we weren't looking at inflow into the manholes as being the issue. It was more the maintenance of the roadway."

Committee Member Schurlknight: "Ok; Mr. Chairman?"

Chairman Pinckney: "Yes, Sir, Mr. Schurlknight."

Committee Member Schurlknight: "Frank, on, on the line, as far as maintenance on that line, do we have to cut the asphalt to get to the line or – I'm just not real familiar with the sewer code."

Mr. Carson: "Well, my understanding is that that line has been slip-lined. It's a deep sewer line, and again, I think a lot of the practice these days is slip-line or do other repairs, rather than dig the line up, so it would be an extreme situation to have to dig the sewer up."

Committee Member Schurlknight: "Good; thank you."

Chairman Pinckney: "Any other questions?"

Committee Member Fish: "Mr. Chairman?"

Chairman Pinckney: "Yes, Sir, Mr. Fish."

Committee Member Fish: "Frank, how much maintenance do you anticipate it would cost the County to maintain those the next 10-12 years, based on the experience so far on the same situation now placed?"

Mr. Carson: "Maintain the entire roadway?"

Committee Member Fish: "Yes."

Mr. Carson: "Well, it's not – you typically wouldn't have resurfacing. I'm not sure that there would be any maintenance to speak of. I assume that the Town is gonna want to do the mowing on the shoulders and do the aesthetic kind of maintenance that you would normally find in a park. We don't do that. If we were to maintain the shoulders, it would get mowed, maybe, every six months. So, typically, in a, in a municipality, they would do that, and I know, I'm sure that's what their plan is. As far as the pavement, there shouldn't be any pavement issues for the first 10 or 12 years."

Committee Member Fish: "If it's not a big deal, I guess, I need to ask your opinion. Why do you want the County to take it over? If there's not a lot of maintenance involved with that, why don't you keep it yourself?"

Mr. Marc Hehn, Town of Moncks Corner Administrator: "We have a great relationship with the County, but the Town does not have the equipment that the County has to maintain a road, and there might be a pothole or something, I mean, in the past, we've had to borrow asphalt from the Highway Department and get a temp and do it kind of halfway, and that's not what we want to do with this. It's gonna be a regional park for the entire County, and, and, and they're in the road maintenance business, and they do an excellent job, and we have a good relationship, and we'd like to, we'd like the County to continue to maintain the road. That's why we're building it to County standards, except for these three minor issues in the park."

Chairman Pinckney: "Any further discussion?"

Committee Member Fish: "I guess, Mr. Chairman, one more question. Frank, what's your recommendation?"

Mr. Carson: "Well, we've had, I mean, we've had these things come up from time to time, and I think what I've explained before, there's two separate issues. We have standards. Professionally, I can't recommend that you do something that design-wise is not – I'll call it sound design practice. So, some of those things are, are political might be a bad word to use. It's not a bad word in this case. It's public, purpose-type of issues. Again, the manholes in the pavement, they're everywhere. You find that in – that's not uncommon in a municipal setting, and I don't have any issue with that, because again, that's a maintenance thing. When you get into road curvature and speed limits, that becomes a safety issue, and I would treat that one separately. And, I know you want to take one, one at a time, so I don't know whether I'm getting ahead of things or not, but it might be helpful if I just talk about those briefly. The curvature, again, traffic calming, I would disagree. Things are traffic calming simply because they're shorter radius, and you can't drive any faster on them. That doesn't mean the driver's not gonna try to drive faster on it, and this is a public road, and that's something I have a concern about. And I'll, again, with the flooding - the flooding is something they have little control about as the Mayor said. These are conditions that, that are controlled by state roadway. There's very little they can do about it, but could I recommend that we accept the road that's gonna have six inches of water over it during periods of time? As an engineer, professional engineer, I can't recommend that. I think the suggestion that, that it become a Town street, it's not uncommon for the County to assist the Town with many issues as we just heard. We assist them from time to time on many things. If it's fixed just to repair a pothole on a regional park street, I think that's a lot easier than accepting changes to design standards."

Committee Member Fish: "Frank, thank you."

Mr. Steve Davis: "Mr. Chairman?"

Chairman Pinckney: "Yes, Mr. Davis."

Mr. Steve Davis: "I anticipate that with the type of vehicles, I think, it will have a lot of tournaments that may involve a lot of heavy buses and stuff. Do you think that will have any impact in reference to road construction and some of the same issues you are addressing now that?"

Mr. Carson: "It won't have any, it won't have any bearing. They're not enough of them as far as the pavement design, but again, the curvature is a, is an issue, and we don't know what's gonna be on this road, because it does go from 52 to Main Street, and it's open to the public."

Chairman Pinckney: "Any other questions?"

Mr. Callanan: "Mr. Chairman?"

Chairman Pinckney: "Yes, Sir, Mr. Callanan."

Mr. Callanan: "What's the a, what's the determined speed limit on this road?"

Mr. Carson: "It's a, it's a posted limit of 20, and normally, and our requirement is that you design the road for a speed five miles an hour over the posted speed limit."

Mr. Callanan: "Right; and a, a, is there any possibility of a, you know, since we're only talking about, you know, kind of certain areas where you're dealing with the radius of the turns, putting some sort of speed mitigation mechanisms in there, like speed humps or something like that to, you know, that, that might address some of those concerns?"

Mr. Carson: "We don't have speed humps, speed bumps or anything like that in, on any streets in the County."

Mr. Callanan: "Ok."

Mr. Steve Davis: "Mr. Chairman? You finished?"

Mr. Callanan: "Yeah, I'm done."

Mr. Steve Davis: "Another issue I have is the County putting them self in a position for liability, potentially, if they accept responsibility for the road with these variances. And then, in a year, it wouldn't take much for a little sharp road engineer later on if someone get injured severely on that road saying that the road didn't meet the standards, and maybe, we should not have granted the variance or, more importantly, we should not have accepted the responsibility, because then we'll be holding if there's any liability issues."

Mr. Carson: "I'm not – I'm just an engineer."

Mr. Steve Davis: "And, you told me, you told us you're a sound engineer, and I'm a sound attorney."

Mr. Carson: "I'm a, I'm a cautious engineer, Mr. Davis."

Mr. Steve Davis: "Oh, ok."

Committee Member Farley: "Mr. Chairman?"

Chairman Pinckney: "Yes, Mr. Farley."

Committee Member Farley: "I think Mr. Peagler said that they would assume the responsibility for any washouts from flooding. Is that correct?"

Mayor Peagler: [Inaudible]

Committee Member Farley: "That would, that would be the Town's – and can you show me on the map where the low places and flooding occurs? It's not on mine, so."

Mr. Smith: "...[inaudible]... from the intersection of Main Street, right in here (pointing to map). And then, just after the intersection with 52 right here."

Committee Member Farley: "Ok."

Mr. Smith: "My guess, because of the existing ditches and the existing culverts on Main Street and 52, it's causing of a backlog condition. We're kind of stuck with the situation that's out there."

Committee Member Farley: "What, what size is the pipe? Do you know?"

Mr. Smith: "There's a 36 inches on the one on Main Street – there's a 30 and 36 on Main Street, and the same size on 52, but they're not big enough to handle the bigger storms."

Mr. Steve Davis: "That's correct, because – let me call on your field, but right now, I can tell you from experience between the post office and 52, it's a little pond when the rain come in great numbers. I mean, it's very, very bad from the post office all the way back up to the intersection of 52."

Chairman Pinckney: "I've got a question sitting here listening and the question was asked why you wanted the County to assume responsibility of the road, and correct me if I am wrong, but I thought I understood Mr. Hehn to say because we have the equipment. Is that correct? Ok; now, and I also heard Mr. Carson said that as well as Mr. Hehn that the County has a great relationship with the Town of Moncks Corner and that we would do what we needed to do, in order to make sure that everything is taken care of in Moncks Corner. Now, with that being said, if, in fact, the County gave a gentlemen's agreement that we would help you in those situations, because we do have the equipment, can we just do away with this request for the a, for the a variance?"

Mayor Peagler: "Would the gentlemen's agreement gonna be ...[inaudible]...?"

Chairman Pinckney: "Pardon me?"

Mayor Peagler: "Would the gentlemen's ...[inaudible]... writing?"

Chairman Pinckney: "You know, what I'm saying is when you look at it realistically, you're asking us to go ahead and give the green light on this when, as we all know, it doesn't come up to County standards when it comes to accepting roads. And, as we discussed earlier, my concern is that we've got people out in the County that would like for the County to take over their road, but the fact remains that it's not up to County standards, so the County tells them no. And, it looks like – I don't want to make it seem like we're setting precedence. So, we've got some double standards here, so I'm just saying with that being, with that being the case, can we, we just come to that agreement that we'll take care of that? Let me ask another question before I listen. There wouldn't be any liability if we were to make that agreement, a gentlemen's agreement. Is that being..."

Mayor Peagler: "It's my understanding is a big discussion with Mr. Carson just then that we could do a Memorandum of Maintenance."

Chairman Pinckney: "Ok."

Mayor Peagler: "You picking it up over there? Do I need to repeat that for you? Alright; that there would be, you know, in a brief conversation with Mr. Carson that we could possibly work out some Memorandum of Maintenance, which would possibly satisfy that, but let me confer with the engineer and Mr. Hehn right this minute, ok?"

Chairman Pinckney: "Ok."

Mr. Carson: "We're always concerned about precedent and, of course, anything we do is a precedent. The circumstances are identical, but this – it's not uncommon for us to provide assistance to municipalities at their request. We do it, not necessarily to maintain roads, because normally, we don't have this situation. But, we do it, particularly, recreation facilities."

Chairman Pinckney: "Right."

Mr. Carson: "And, and I would say this is a kin to that. The only difference is this happens to be a public road on that recreation facility. And, we can fashion it similarly to the way we accept roads anyway, except this would be more specific to the pavement maintenance."

Mayor Peagler: "That would be acceptable."

Chairman Pinckney: "Ok; so, do we need to proceed forward or we just need to..."

Committee Member Schurlknight: "Mr. Chairman, would I need to withdraw my motion, which is only for the sewer line? We kind of got off track a little bit."

Ms. Ewing: "I think, according to Council's customs and usage, withdrawing your motion at this time would be appropriate if that's what Mr. Schurlknight wishes to do."

Committee Member Schurlknight: "I'll go ahead and withdraw my approval for it right now, thank you."

Committee Member Schurlknight withdrew his motion to **approve** the Town of Moncks Corner request for a variance to County roadway and drainage standards with regard to the sanitary sewer in the construction of the Town's new recreation complex.

Chairman Pinckney: "Ok; and with that being said..."

Ms. Ewing: "Can we have an alternate motion, perhaps, to enter into some sort of Memorandum of Maintenance regarding this issue?"

Chairman Pinckney: "Yes, ok; could I have an alternate..."

Committee Member Schurlknight: "Mr. Chairman, let me ask this question. Mayor, how – and Frank, how quick do we need to work this out? Is it something that y'all might could work out and bring back to us, maybe, in a couple weeks to look at?"

Mr. Carson: "I don't, I don't think..."

Committee Member Schurlknight: "I don't want to hold anything up..."

Mr. Carson: "...that's necessary. I think we can, you know, we can work something out that's mutually acceptable."

Committee Member Schurlknight: "Well, I'll make the motion to a, to approve a memo of agreement, you know, with the County and the Town on the maintenance."

Chairman Pinckney: "Do I have a second?"

Committee Member Farley: "I'll second."

It was moved by Committee Member Schurlknight and seconded by Committee Member Farley for Berkeley County and the Town of Moncks Corner to **enter** into a Memorandum of Maintenance with regard to roadways in the construction of the Town's new recreation complex.

Chairman Pinckney: "We have a motion and a second. Any further discussion, questions?"

Mr. Steve Davis: "One question, Mr. Chairman."

Chairman Pinckney: "Yes, Sir."

Mr. Steve Davis: "Do we want to put a caveat as to what the overall expense would be or it's just open-ended?"

Mr. Carson: "I would suggest that it be open-ended, because something will happen that we don't think of, and we will say that it's basically intended for pavement maintenance. But again, our normal practice is if we're asked for assistance from municipalities, and we're in a position to do that, then we try to do that."

Mr. Steve Davis: "Ok."

The motion passed by unanimous voice vote of the Committee.

Chairman Pinckney: "I move for a motion for adjournment."

Mr. Steve Davis: "No, you've got two other..."

Chairman Pinckney: "I got two..."

Mr. Steve Davis: "...two other..."

Mr. Callanan: "No, that takes..."

Mayor Peagler: "I appreciate that."

Mr. Callanan: "...care of them all, doesn't it?"

Chairman Pinckney: "That, that takes care of them all."

Committee Member Schurlknight: "That's everything."

Ms. Ewing: "Yes."

Mr. Steve Davis: "No, I thought we had an issue on the speed. I understand – I'm wondering if speed bumps are gonna be put in place on that 20 mile-per-hour road. That's what I'm concerned about."

Chairman Pinckney: "It was my understanding that that would take care of it all."

Mayor Peagler: "We're, we're taking that off, but, you know, in addressing..."

Mr. Steve Davis: "Ok."

Mayor Peagler: "...you know, the issue of speed bumps, they actually increase liability..."

Mr. Steve Davis: "Ok, ok."

Mayor Peagler: "...because of people hitting them at too high a speed..."

Mr. Steve Davis: "Ok, ok."

Mayor Peagler: "...and, in fact, they've gone to speed humps in Charleston instead of speed bumps."

Mr. Steve Davis: "Ok; thank you. I withdraw that urgent..."

Chairman Pinckney: "I move..."

Mr. Steve Davis: "...need to discuss something."

Chairman Pinckney: "...move for adjournment."

Committee Member Fish: "Second."

Committee Member Farley: "Second."

The motion to adjourn passed by unanimous voice vote of the Committee.

Meeting adjourned at 6:42 p.m.

## <u>10 September 2012</u>

Date Approved

#### **PUBLIC WORKS AND PURCHASING**

(Standing Committee of Berkeley County Council)

Chairman: Mr. Caldwell Pinckney, Jr., District No. 7

Members: Mr. Phillip Farley, District No. 1

Mr. Robert O. Call, Jr., District No. 3

Mr. Dennis Fish, District No. 5

Mr. Jack H. Schurlknight, District No. 6

Mr. Timothy J. Callanan, District No. 2, ex officio Mrs. Cathy S. Davis, District No. 4, ex officio Mr. Steve C. Davis, District No. 8, ex officio Mr. Daniel W. Davis, Supervisor, ex officio

A special meeting of the COMMITTEE ON PUBLIC WORKS AND PURCHASING, Standing Committee of Berkeley County Council, will be held on Monday, August 27, 2012 at 6:01 p.m., following other scheduled committee meetings in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

## **AGENDA**

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

**A. Mayor William W. Peagler, III, Re:** Town of Moncks Corner's Request for variance to County Roadway & Drainage Standards for the Moncks Corner Recreation Complex.

August 22, 2012 s/Catherine R. Windham Interim Clerk of County Council